

DEPARTMENT OF THE ARMY  
Wilmington District, Corps of Engineers  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890

Action ID No. 199801948

April 4, 2002

PUBLIC NOTICE

The NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT), DIVISION OF HIGHWAYS, 1548 Mail Service Center, Raleigh, North Carolina, 27699-1548 has applied for a Department of the Army (DA) permit pursuant to SECTION 404 OF THE CLEAN WATER ACT to discharge dredged or fill material into 1.17 acres of jurisdictional wetlands and 514 linear feet of stream channel for the widening and realignment of SR 1344 (Black and Decker Road) from SR 1141 to I-95 Business, Fayetteville, CUMBERLAND COUNTY, NORTH CAROLINA. State Project 8.2443001, Federal Aid No. STP-1344(2), TIP NO. U-3312, NCDOT Division 6.

**Background:**

The social, economic, and environmental impacts associated with reasonable and feasible build alternatives for this project have been described in a North Carolina Department of Transportation (NCDOT)/Federal Highway Administration (FHWA) Environmental Assessment signed on 27 September 1999. According to NCDOT, the let date for this project is August 2002.

The NCDOT/FHWA Environmental Assessment identifies and discusses two build alternatives. Both alternatives follow the same alignment, which involves the symmetrical widening of existing SR 1344 from SR 1141 (Cumberland Road) to SR 2998 (Peacock Street), then proceeds on new alignment from SR 2998 to I-95 Business/US 301 at the SR 2260 (Airport Road) intersection. Alternative 1 proposes a five-lane facility with curb-and-gutter for the entire length of the project. Alternative 2 involves symmetrical widening of existing SR 1344 to five-lanes with curb-and-gutter from SR 1141 to SR 2998. A four-lane median divided facility with curb-and-gutter is proposed for the new alignment portion of the project.

**Project Description:**

The following description of work is taken from data provided by the applicant. The proposed project will widen existing SR 1344 (Black and Decker Road) to a multi-lane facility from SR 1141 (Cumberland Road) to I-95 Business/US-301. From SR 1141 (Cumberland Road)

to SR 2998 (Peacock Street), a 1.9-mile five-lane facility with curb-and-gutter is proposed. A 0.3 mile four-lane median divided facility with curb-and-gutter is proposed on new alignment from SR 2998 (peacock Street) to I-95 Business/US 301. At the southern terminus, the proposed project will tie into I-95 Business/US 301 across from SR 2260 (Airport Road), approximately 0.25 miles north of the existing SR 1344 (Black and Decker Road) intersection. The total length of the proposed project is approximately 2.2 miles. All intersections along the proposed project will remain at grade.

The project is located in the Cape Fear River Basin, sub-basin 03-06-15. Waters of the United States will be impacted at three locations by the proposed project. All of these impacts occur along the new alignment. Wetland types potentially impacted by the proposed project include a headwater forested wetland, an emergent wetland, and a coastal plain intermittent stream. Wetland impacts, based on a 100 foot Right-of-Way width (ROW), total 1.17 acres. Jurisdictional stream impacts total 341 linear feet with an additional 173 linear feet of stream being relocated with natural channel design.

In order to more fully integrate Section 404 permit requirements with the National Environmental Policy Act of 1969, and to give careful consideration to our required public interest review and 404(b)(1) compliance determination, the Corps of Engineers is soliciting public comment on the merits of the proposal and on the alternatives evaluated in the NCDOT/FHWA Environmental Assessment. At the close of this comment period, the District Engineer will evaluate and consider the scope of comments received as well as the expected adverse and beneficial impacts of the proposed road construction to select the least environmentally damaging, practicable alternative (LEDPA). The District Engineer is not authorizing construction of the road at this time. A final Department of the Army permit decision will not be made until after our review process is completed, impacts to the aquatic environment have been minimized to the maximum extent practicable, and a compensatory mitigation plan has been approved.

NCDOT proposes to mitigate for the unavoidable impacts to waters of the United States associated with this proposed project, by payment to the North Carolina Wetlands Restoration Program (NCWRP) for the required compensatory mitigation within the Cape Fear River Basin.

Functional design plans and the Environmental Assessment are available for review at the Wilmington Regulatory Field Office of the Wilmington District U.S. Army Corps of Engineers, 69 Darlington Avenue, Wilmington, North Carolina, 28402.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorizations. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and

reviewed by this agency, nor will a Department of the Army permit be issued until the North Carolina Division of Water Quality has determined the applicability of a Water Quality Certification as required by PL 92-500.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and the project does not affect any registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by work under the requested permit.

NCDOT has conducted surveys along the proposed project corridor to identify suitable, or critical habitat for species listed as Federally endangered or threatened pursuant to the Endangered Species Act of 1973. NCDOT subsequently determined and the U.S. Fish and Wildlife Service concurred with a determination that the proposed project would have no effect on listed species known to occur within the project county. The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

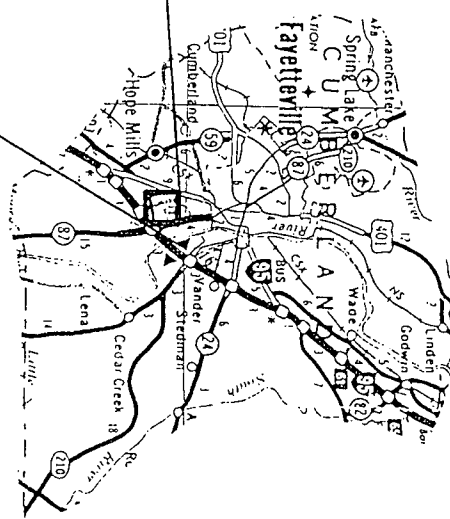
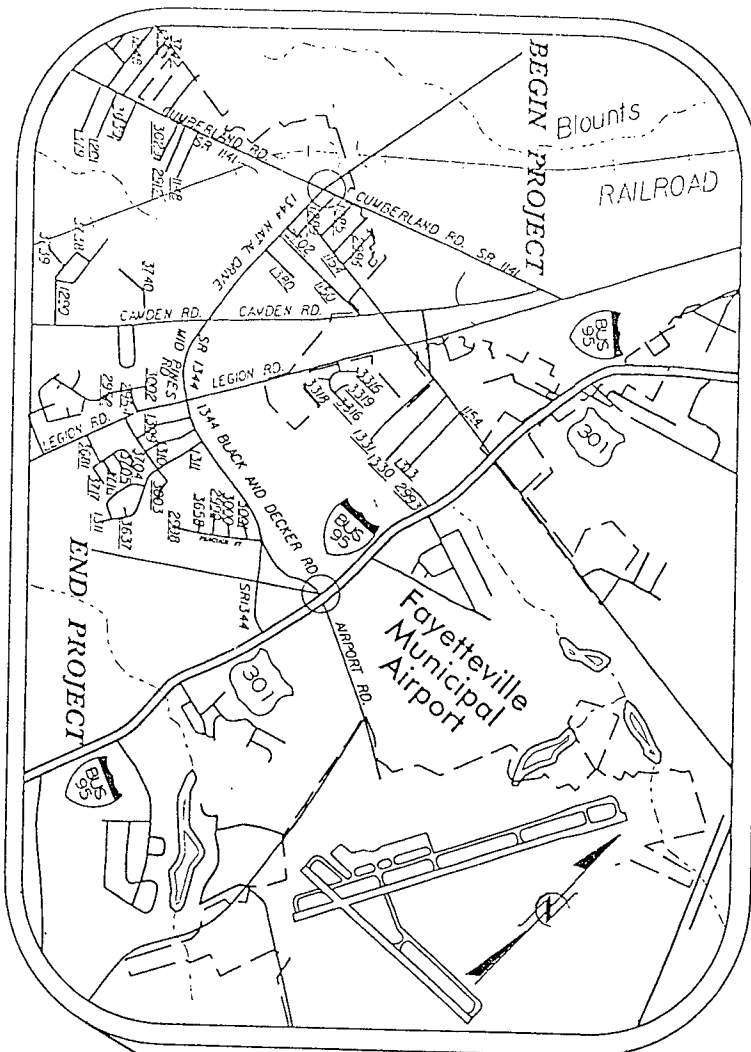
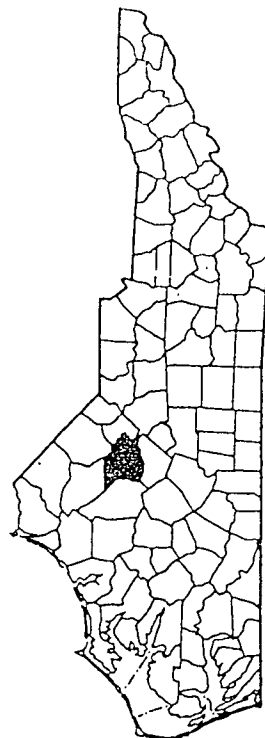
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the Department of the Army (DA) permit serves as application to the NCDWQ for certification.

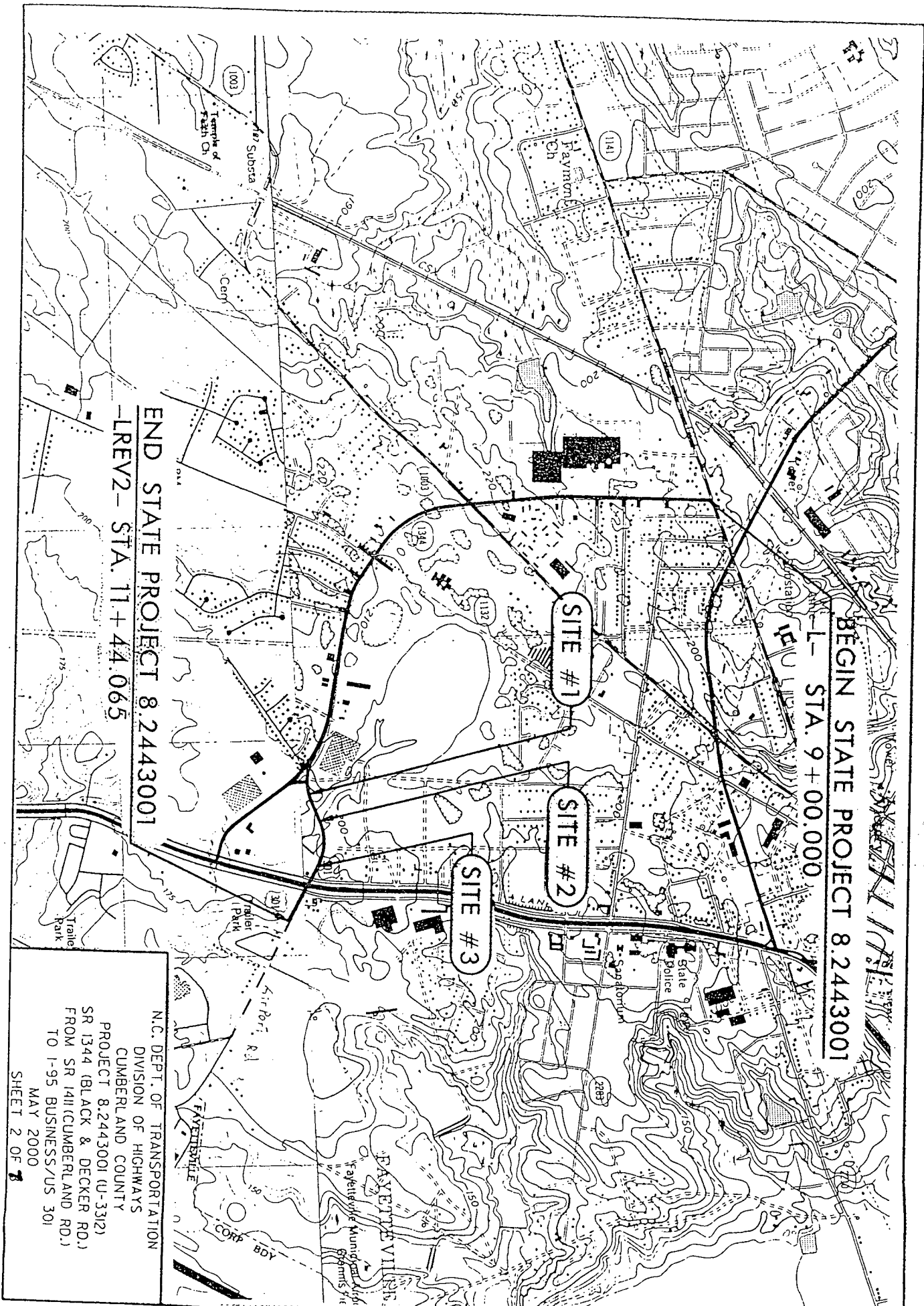
Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands/401 Unit, North Carolina DENR, Division of Water Quality, 2321 Crabtree Boulevard, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality, (NCDWQ), 1650 Mail Service Road, Raleigh, North Carolina 27699-1650, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Richard K. Spencer, until 4:00 p.m., May 3, 2002.



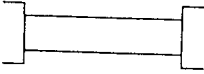
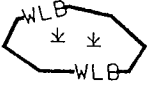

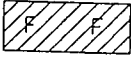

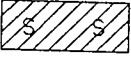
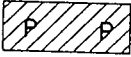
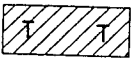

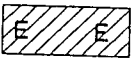
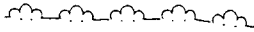
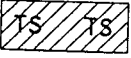


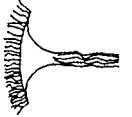



N.C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
CUMBERLAND COUNTY  
PROJECT 8.2443001 (U-3312)  
SR 1344 (BLACK & DECKER RD.)  
FROM SR 144 (CUMBERLAND RD.)  
TO I-95 BUSINESS/US 301  
MAY 2000  
SHEET 1 OF 7



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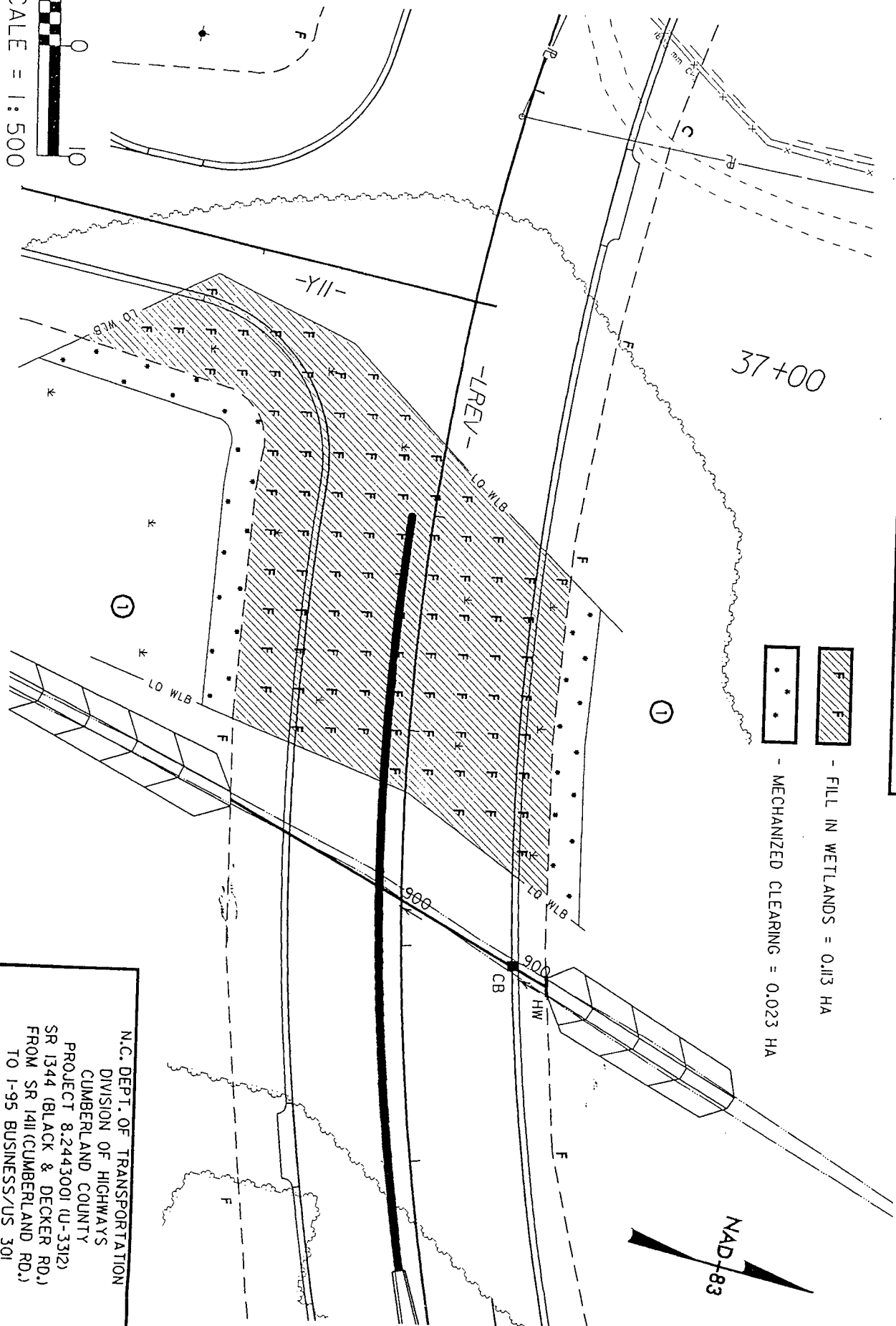
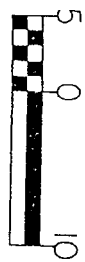
1/16/02

# LEGEND

	LINE WT		LINE WT
—WLB— WETLAND BOUNDARY	4-6		PROPOSED BRIDGE 6
 WETLAND	4-6		PROPOSED BOX CULVERT 6
 DENOTES FILL IN WETLAND	2		PROPOSED PIPE CULVERT
 DENOTES FILL IN SURFACE WATER	2	(DASHED LINES DENOTE EXISTING STRUCTURES)	12"-48" PIPES 15
 DENOTES FILL IN SURFACE WATER (POND)	2	54" PIPES & ABOVE 6	
 DENOTES TEMPORARY FILL IN WETLAND	2		SINGLE TREE 2
 DENOTES EXCAVATION IN WETLAND	2		WOODS LINE 2
 DENOTES TEMPORARY FILL IN SURFACE WATER	2		DRAINAGE INLET
 DENOTES MECHANIZED CLEARING	2		ROOTWAD 2
←← FLOW DIRECTION	2		RIP RAP 2
—TB— TOP OF BANK	2-4		ADJACENT PROPERTY OWNER OR PARCEL NUMBER IF AVAILABLE 2
—WE— EDGE OF WATER	2	—BZ 1— BUFFER ZONE 1 BOUNDARY	2
—C— PROP. LIMIT OF CUT	2	—BZ 2— BUFFER ZONE 2 BOUNDARY	2
—F— PROP. LIMIT OF FILL	2		
▲ PROP. RIGHT OF WAY	2		
—NG— NATURAL GROUND	2		
—PL— PROPERTY LINE	2		
—TDE— TEMP. DRAINAGE EASEMENT	2		
—PDE— PERMANENT DRAINAGE EASEMENT	2		
—EAB— EXIST. ENDANGERED ANIMAL BOUNDARY	2		
—EPB— EXIST. ENDANGERED PLANT BOUNDARY	2		
—▽— WATER SURFACE	2		
X X X LIVE STAKES	2		
 BOULDER	6		
— — — CORE FIBER ROLLS			

# SITE 1 -LREV- STA. 37+30 RT. & LT

SCALE = 1:500



- FILL IN WETLANDS = 0.113 HA
- MECHANIZED CLEARING = 0.023 HA

NAD-83

N.C. DEPT. OF TRANSPORTATION  
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TO I-95 BUSINESS/US 301  
DECEMBER 2000  
SHEET 5 OF 7

# SITE 2 -LREV- STA. 38+35 TO 39+50 RT. & LT

TRIBUTARY TO  
BIG SANDY RUN

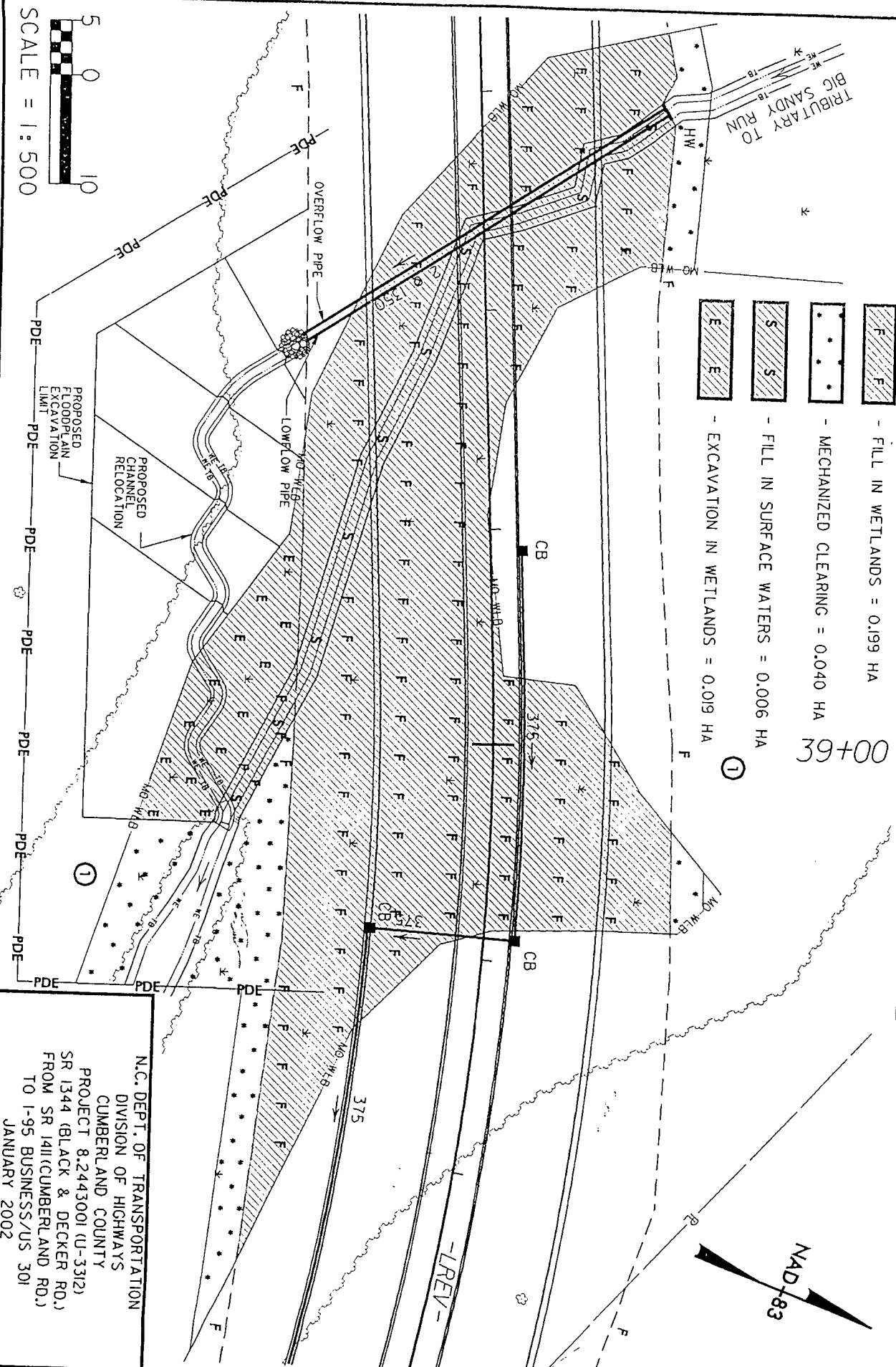
- FILL IN WETLANDS = 0.199 HA
- MECHANIZED CLEARING = 0.040 HA
- FILL IN SURFACE WATERS = 0.006 HA
- EXCAVATION IN WETLANDS = 0.019 HA

39+00

①

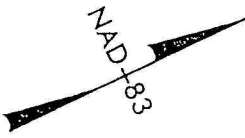
NAD-83




SCALE = 1:500

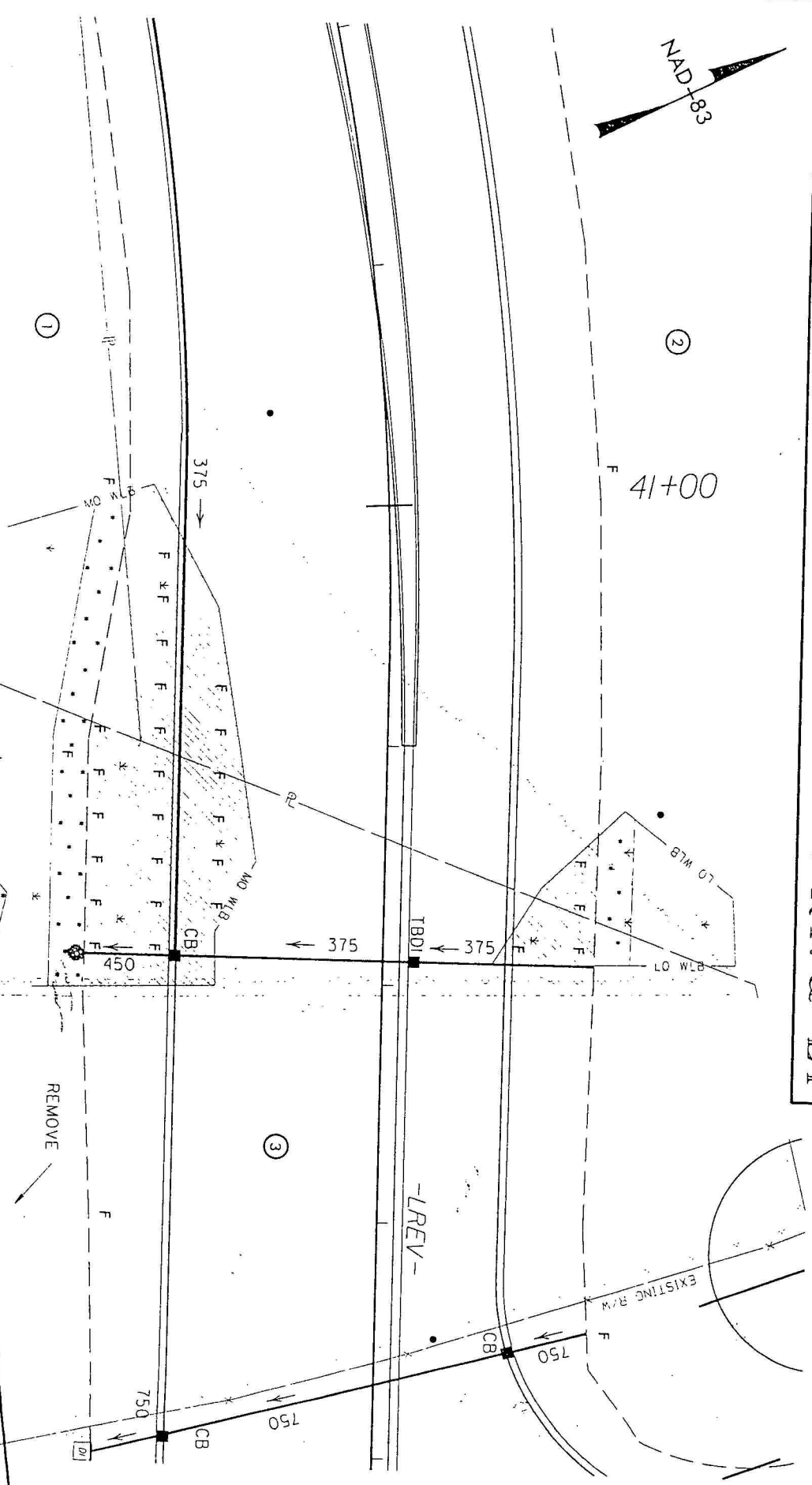


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CUMBERLAND COUNTY  
PROJECT 8.2443001 (U-3312)  
SR 1344 (BLACK & DECKER RD.)  
FROM SR 1411 (CUMBERLAND RD.)  
TO I-95 BUSINESS/US 301  
JANUARY 2002  
SHEET 6 OF 7

# SITE 3 -LREV- STA. 41+00 TO 41+40 RT. & LT



-  - FILL IN WETLANDS = 0.048 HA
-  - MECHANIZED CLEARING = 0.023 HA
-  - EXCAVATION IN WETLANDS = 0.008 HA



N.C. DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 CUMBERLAND COUNTY  
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 FROM SR 1411 (CUMBERLAND RD.)  
 TO I-95 BUSINESS/US 301  
 JUNE 2001  
 SHEET 7 OF 7